

STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MASSACHUSETTS DEVELOPMENT FINANCE AGENCY,)	
)	
Plaintiff)	
)	
v.)	
)	
ADP MARSHALL, INC., a FLUOR DANIEL COMPANY, and)	
FIREMAN'S FUND INSURANCE COMPANY,)	
)	
Defendants)	
)	
)	CIVIL ACTION
)	NO. 04-CV-10203-PBS
ADP MARSHALL, INC.,)	
)	
Plaintiff-in-Counterclaim,)	
)	
v.)	
)	
MASSACHUSETTS DEVELOPMENT FINANCE AGENCY,)	
)	
Defendant-in-Counterclaim)	
)	
ADP MARSHALL, INC.,)	
)	
Third-Party Plaintiff)	
)	
v.)	
)	
ALLIED CONSULTING ENGINEERING SERVICES, et al.)	
)	
Third-Party Defendants)	

PRE-TRIAL DISCLOSURE BY THIRD-PARTY DEFENDANT,
SPAGNOLO/GISNESS & ASSOCIATES, INC.

Third-party defendant, Spagnolo/Gisness & Associates, Inc. ("SGA"), hereby makes its pre-trial disclosure in accordance with Fed. R. Civ. P. 26 (a)(3):

I. Preliminary Statement

SGA makes this disclosure based on the limited information it has been given in this case and with a full reservation of rights due to the failure by ADP Marshall, Inc., the third-party plaintiff (“ADPM”) to provide any meaningful discovery regarding the likely proof to be forthcoming at trial.

A. Witnesses SGA expect to call at trial:

William Gisness
200 High Street
Boston, MA 02110
(617) 443-0680

B. Witnesses Whose Testimony is Expected to Be Presented by Means of Deposition:

SGA does not expect to introduce any deposition testimony as no depositions have been taken in this matter.

C. Documents SGA expect to introduce into evidence at trial:

SGA’s architectural drawings dated 12/27/00

SGA intends to comply with the pretrial order and premark all exhibits and reserves all rights to identify and designate evidence during that process.

Respectfully submitted,
SPAGNOLO GISNESS &
ASSOCIATES, INC,
By its attorneys,

/s/ Warren D. Hutchison
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(617) 406-4500

CERTIFICATE OF SERVICE

I, Warren D. Hutchison, Esquire, hereby certify that on this first day of July, 2005, I served the attached Pre-Trial Disclosure By Third-Party Defendant, Spagnolo/Gisness & Associates, Inc. by mailing a copy thereof, post prepaid, to:

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/s/ Warren D. Hutchison

Warren D. Hutchison